

CENTRAL INFORMATION COMMISSION
Club Building (Near Post Office)
Old JNU Campus, New Delhi - 110067
Tel: +91-11-26161796

Decision No. CIC/SM/C/2011/000845/SG/16822
Complaint No. CIC/SM/C/2011/000845/SG

Complainant : Mr. Suresh Prajapat
Hasina Market
Mira Mandir Road
P.O Merta City
District-Nagore
Rajasthan

Respondent : Branch Manager
Standard Chartered Bank
SCO 16 – 17, Feroz Gandhi Market,
Ludhiana - 141001

Facts arising from the Complaint:

Mr. Suresh Prajapat had filed a Complaint under Section 18 of the RTI Act with the Commission against the Respondent stating that he had filed a RTI Application dated **20/04/2011** asking for certain information for which no reply was received from the Respondent. On this basis, the Commission registered the Complaint and issued a notice to both the parties seeking evidence regarding whether the said Respondent organization is a public authority or not for the purpose of the RTI Act.

The Commission has already decided in another matter CIC/SG/C/2011/000937/15401 dated 30/10/2011 that the said bank is not a public authority as defined under the RTI Act.

On perusal of the submissions received from the Respondent the following was observed that: “ it appears that the Respondent Bank is not a public authority as defined under Section 2(h) of the RTI Act. Section 2(h) of the RTI act provides-

Section2 (h): "public authority" means any authority or body or institution of self-government established or constituted—

- 1 (a) by or under the Constitution;
- 2 (b) by any other law made by Parliament;
- 3 (c) by any other law made by State Legislature;
- 4 (d) by notification issued or order made by the appropriate Government,

and includes any—

- 1 (i) body owned, controlled or substantially financed;
- 2 (ii) non-Government organisation substantially financed,

directly or indirectly by funds provided by the appropriate Government;

The Respondent Bank clearly does not fall under clause (a) to (d). Furthermore, it has not been shown to have been substantially financed or controlled or owned by the government. Hence, the Complainant has no legally enforceable right under the RTI Act as the respondent is not a public authority under the RTI Act and is therefore under no obligation to reply to the Complainant's RTI Application."

Decision:

The Complaint is dismissed.

The Respondent is not a public authority as defined under Section 2 (h) of the RTI Act.

Shailesh Gandhi
Information Commissioner
12 January 2012

(In any correspondence on this decision, mention the complete decision number.)(SP)